

The present revised Amendment is being submitted in accordance with the yesterday's telephone conversation with the Examiner, in which the Examiner indicated that a numbering error occurred in the claims, beginning with two claims both numbered Claim 55. Counsel appreciates the Examiner's courtesy in bringing this matter to our attention, and in allowing counsel to submit a corrected copy of the claims. Accordingly, we have renumbered all of the claims and their dependencies to correct the inadvertent error in the prior Amendment. In the course of making these changes, Claim 61 has been corrected to recite that the torque sensing means detects the decrease in torque acting on the bone anchor. A typographical error in Claim 79 (with respect to the word electrical) has been corrected, as well.

The correction of the claim numbering indicates that 53 new claims have been added (rather than 52) and thus fees should have been paid for 8 excess claims (rather than for 7, as previously paid). Accordingly, please charge the fee for the additional claim to our deposit account. Should any further extensions or petitions be required in connection with this response, please treat the present response as a request for such extensions and/or as a petition that any actions be taken needed to advance this application toward allowance. Should any further fees be necessary, the Commissioner is directed to debit our deposit account, Account No. 02-2105 for any amounts required, and is also directed to credit any overpayments thereto.

In the Office Action, the Examiner set forth a restriction requirement, requiring that the present application be restricted to one of six designated groups of claims. In response, Applicant hereby elects the invention of Group I, without traverse, and has canceled the nonelected claims. Applicant has further added new Claims 50-101. As these claims are all

- 7 -
J. B.

directed to the method of the present invention, it is believed that they are likewise properly within Group I.

Claims 1-4 of the present invention are the same as the claims presented in the corresponding PCT application on this invention, International Application Number PCT/US97/20533. In the International Search Report issued in that application, no references were uncovered relevant to those claims. Accordingly, those claims and the claims dependent thereon are all believed to be allowable. Likewise, Claim 81, which is similar to Claim 1, although broader in scope, is also believed allowable. The dependent claims, most of which include subject matter which is believed to be independently patentable, are likewise all believed to be fully patentable.

A favorable Office Action allowing all of the claims is respectfully requested. Should the Examiner require anything further, he is invited to contact counsel at the telephone number listed below.

Dated: May 7, 1999

Respectfully submitted,

mechal

Morris E. Cohen (Reg. No. 39, 947)
Levisohn, Lerner, Berger and Langsam
757 Third Avenue, Suite 2400
New York, New York 10017
(212) 486-7272 (phone)
(212) 486-7272 (fax)